

# What Happened to Mrs. Gifford in the Hotel Biltmore Elevator

## And How Her Distressing Experience Brings Before the Courts a Question Never Before Raised, Namely, If a Respectable Guest Is Impulsively Kissed and Fondled by a Bibulous Stranger Must the Hotel Pay for Neglecting to Protect Its Guests?

MRS. ARTHUR E. GIFFORD, wife of a New York man with a Fifth avenue business, has brought a lawsuit entirely unprecedented in legal form and of profound social and personal interest.

She claims \$10,000 damages from the great Hotel Biltmore for permitting an unknown man to kiss her in one of its elevators. The Biltmore is, as most persons know, one of the newest, largest and gayest of New York's fashionable hotels.

Persons of highly diversified character and temperament throng such places. To decide how far the owners are responsible for the moral conduct of their guests presents a very delicate and interesting problem. There is undoubtedly a certain obligation to maintain order and protect guests, but this cannot cover every immodest act or gesture.

It may be argued that the hotel cannot be held responsible if an impulsive man implants one sudden, unexpected kiss upon a fair visitor, but should it permit him to bestow two or more? Should it not maintain a vigilant lookout for men who show a tendency toward promiscuous and unwelcome osculation and other indecorous conduct?

The fashionable hotel provides a tempting variety of places of recreation and expenditure within its walls. There are roof gardens, palm gardens, "chicken runs," "dovecotes," skating rinks, tea parlors, dancing halls and "happy corners" in these modern palaces of luxury. A certain proprietary chaperonage must be considered desirable for such gathering places.

Mrs. Gifford recently told the story of the unwelcome kiss to a visitor. In appearance she is attractive and refined. She has been prostrated for a long time with an illness which developed during the winter, and which she thinks may be partly due to her distressing experience.

"I took a room at the hotel with my friend, Mrs. Carvan, of Boston, last fall," said Mrs. Gifford. "Our apartment in town was not ready for us just then and my husband had been away. He had an account at the hotel. I took my friend there because I thought it the most enjoyable place for a short stay. She had been spending the summer in Lenox and came to New York to see the fall fashions and have a little holiday.

"On Labor Day, September 3, I had given up my room. About 2 o'clock in the afternoon we went up to the nineteenth floor intending to have lunch at the Cascades. As we walked out on the floor we noticed a young girl running away and showing signs of confusion. We also saw two well-dressed but very much intoxicated men, the ones who afterward insulted us so outrageously. The hotel boys and male employees were laughing merrily at these men and making ludicrous gestures. In the light of our later experiences, I feel sure that the two men had been annoying one of the hotel girls.

"We were informed by a waiter that the Cascades dining room was closed and we decided to go downstairs for lunch. We stopped, however, for about ten minutes on the roof feeding the pigeons. This is one of the innocent pastimes provided for the hotel guests.

"Then we returned toward the elevator. As we passed the group one of the drunken men called out:

"Here come two babies! What's the matter with these?"

"I am obliged to specify some of the coarse and vulgar language used to show how persistently I was insulted in the presence of hotel employees. I cannot bring myself to repeat everything that was said.

"We hurried on to the elevator. Those two dreadful men came after us, no one attempting to stop them. After the door was closed a young girl, employed as a telephone operator on the floor, I believe, signalled that she wanted to get into the car. The elevator man let her in and she said she wanted to go up. The two drunken men said she must come down with them and the car started down. At first they fooled with the young girl and tried to kiss her, I think.

"Then they turned their attention to us. One of them put his arm around my friend's shirtwaist, but she thrust him aside with a tremendous effort. He then grasped me round the waist and held me tightly, completely at his mercy. He forced me into a corner of the elevator and in this crowded space I was quite helpless against this powerful man. It shocks me to repeat everything that happened, but now that I have made the case public I feel it is my duty to prove how dreadful my treatment was.

"This man thrust his hand into my corsage and then kissed me forcibly on the left cheek. I was at first able to turn my face sufficiently to prevent him from kissing me full on the mouth.

"All this time the elevator boy was grinning cheerfully, as if he enjoyed our sufferings. My friend was calling to him to stop the elevator, but he paid no attention.

"We don't want to ride with these dreadful creatures! Let us off!" she cried.

"The young girl left at a floor just before the ground, but even then the elevator man closed the door before we could escape.

"When the car reached the main floor we rushed out. Our tormentors were then insulting us in a different fashion. As we went out they yelled at us:

"You are two mutts of chambermaids! Good-by, you chambermaid mutts!"

"I was crying when I stepped out of the elevator. I spoke to a clerk at a desk and told him I had been dreadfully insulted and ill-treated. I wanted the two men held and arrested. The clerk laughed and behaved most frivolously. He said I might look for the hotel detective.

"I went over to the tearoom, but could not find the detective there. At this point my insurer, who must have wandered all the way round the floor, met me. All this time none of the hotel employees made any effort to hold him. Finally I found one of the assistant managers—a very smooth spoken but evasive gentleman. He tried to explain that nothing worth mentioning had happened to me. He said the hotel detective might be on the twenty-second floor, and finally he brought him down. Meanwhile our insulters had ample time to get away.

"I was nearly prostrated with fright and distress and have never been quite the same woman since."

Mrs. Gifford speaks sarcastically of the hotel attitude toward insulters of women. According to her it might be expressed thus:

"Little things like this will happen and we can't prevent them. Sometimes there will be a bit of a fight and we can't get there before it's over. Sometimes a man will feel flirtatious and we can't always be on the spot just at the right moment."

In fact, she says, they suggested that promiscuous kissing was a rather pleasant feature of life.

After her shocking experience she took a little lunch in the dining room, communicated by telephone with her husband and in his company made further efforts to induce the hotel to find her tormentors.

**A Diagrammatic Picture Showing Exactly What Happened to Mrs. Arthur Gifford, According to Her Own Statement, on Her Way from the Nineteenth to the Ground Floor of the Hotel Biltmore—How She Was Hugged and Kissed by One Well Dressed Stranger**

**While His Companion Annoyed Her Friend and the Elevator Boy Looked on With Cheerful Indifference.**



Mrs. Arthur E. Gifford, the New York Woman Who Claimed \$10,000 Damages from the Hotel Biltmore for Permitting Her to Be Kissed in One of Its Elevators.  
—Photo by Kavanian Studio.



**This Picture Shows "Billy Biltmore," the Horse Who Draws the Ice-Scraping Machine for the Skating Rink at the Biltmore. He Is a Very Luxurious Animal with a Fine Room of His Own at the Hotel.**



**The Fantastic Cascades Dining Room on the Roof of the Biltmore with Its Fountains and Chinese Lanterns. It Was on Her Way Back After Finding This Resort Closed That Mrs. Gifford Had Her Remarkable Experience with the Impulsive Strangers.**

at once, but other affairs compelled him to give up the case. She finally retained her present lawyer, and that is why the case is only now coming before the court.

When the manager of the Hotel Biltmore was asked for his opinion of Mrs. Gifford's suit, he smiled with amiable cynicism and said: "We have inquired carefully and we cannot find that the facts are as stated by Mrs. Gifford. Our elevator boy did not notice any such conduct as she describes. In fact, he thought she and the men were members of the same party. Our telephone operator, a very estimable young woman, did not notice any such behavior as she mentions, and I think she could hardly have helped noticing it.

"Even if the facts were as alleged by Mrs. Gifford, we are advised that she could not make us responsible for them. There are certain laws and rules requiring a hotel

to maintain order and decorum. Obviously a hotel cannot be held responsible for every sudden and unexpected act of disorder committed by any person within its walls. Such a law would make hotel keeping an impossibility.

"We should not permit a prolonged kissing frolic, but if a man of respectable appearance suddenly went crazy and kissed the first unknown woman within reach she could hardly blame us.

"It is absurd to say that a woman could complain about annoyance, and not receive prompt attention here. We are anxious in our own interests to stop any indecorous behavior at the first complaint. There is always a force of discreet but stalwart house detectives ready to spring to the assistance of any person in distress. It is their first duty to be on hand when needed in all public rooms."

Mrs. Gifford's suit for damages was set down for hearing before Judge Lehmann in the New York Supreme Court. Harford T. Marshall, a prominent lawyer, appeared for Mrs. Gifford. John McKim Minton, formerly Assistant District Attorney, represented the hotel. The defendant's lawyer asked the Judge to dismiss the complaint on the ground that it did not show a proper cause of action.

Even if the original complaint does not stand, it is stated that there are several ways of changing it and bringing the case to trial.

We may, therefore, hear the whole subject of a hotel's responsibility for the moral conduct of its guests explained and illustrated in a highly instructive manner.